

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

STANLEY A. THOMPSON

PLAINTIFF

v.

No. 4:04CV359-D-D

R. GREEN, ET AL

DEFENDANTS

FINAL JUDGMENT

On consideration of the file and records in this action, pursuant to 28 U.S.C. §636(b)(1)(B), an evidentiary hearing having been conducted on October 6, 2005, by the Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B), and Spears v. McCotter, 766 F.2d 179 (5 Cir. 1985), the Court finds that the Report and Recommendation of the United States Magistrate Judge dated November 8, 2005, was on that date duly served by first class mail upon plaintiff and counsel for defendants; that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by said parties. The Court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated November 8, 2005 be, and it is hereby, approved and adopted, and that the proposed findings of fact and conclusions of law therein set out be, and they are hereby, adopted as the findings of fact and conclusions of law of the Court.

2. That the instant case is hereby **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted, counting as a “strike” under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g). .

3. That this case is **CLOSED**.

THIS, the 8th day of November, 2005.

/s/ Glen H. Davidson
CHIEF JUDGE